

REMARKS

The present application was filed on June 27, 2003 with claims 1 through 9. Claims 1 through 9 are presently pending in the above-identified patent application.

In the Office Action, the Examiner provisionally rejected claims 1-9 on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 1-9 of United States Patent No. 6,442,382. The Examiner rejected claims 1-9 under 35 U.S.C. §103(a) as being unpatentable over Hornak et al. (United States Patent Number 5,678,222), and further in view of Lindqvist et al. (United States Patent Number 5,530,929).

Double Patenting Rejection

Claims 1-9 were provisionally rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 1-9 of United States Patent No. 6,442,382.

Applicant is submitting herewith a Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection Over a United States Patent that is believed to overcome this rejection. Accordingly, Applicant respectfully requests that the provisional rejection of claims 1-9 under non-statutory obviousness type double patenting be withdrawn.

Independent Claims 1 and 6

Independent claims 1 and 6 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hornak et al., and further in view of Lindqvist et al. Regarding claim 1, the Examiner asserts that Hornak discloses wherein when one of the mixer circuits is activated, the remaining mixer circuit does not generate an output voltage signal (FIGS. 5A, 12, and 18; col. 9, lines 36-65; col. 12, lines 29-64; col. 18, line 44, to col. 19, line 10).

Applicant notes that, in the figures cited by the Examiner, Hornak discloses a *single mixer 123*. Contrary to the Examiner's assertion, Hornak teaches that element 127 is a *local oscillator* and element 133 is a *phase shifter*. Applicant also notes that, although Lindqvist discloses two mixers 11 and 11', Lindqvist does not disclose or suggest that, *when one of the mixer circuits is activated, the remaining mixer circuit does not generate an output voltage signal*. Independent claim 1 requires wherein *when one of the mixer circuits is activated, the remaining mixer circuit does not generate an output voltage signal*. Independent claim 6

requires *selectively activating any one of said mixer circuits while remaining mixer circuits does not generate an output voltage signal.*

Thus, Hornak et al. and Lindqvist et al., alone or in any combination, do not disclose or suggest wherein when one of the mixer circuits is activated, the remaining mixer circuit does not generate an output voltage signal, as required by independent claim 1, and do not disclose or suggest selectively activating any one of said mixer circuits while remaining mixer circuits does not generate an output voltage signal, as required by independent claim 6.

Dependent Claims 2-5 and 7-9

Dependent claims 2-5 and 7-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hornak et al., and further in view of Lindqvist et al.

Claims 2-5 and 7-9 are dependent on claims 1 and 6, respectively, and are therefore patentably distinguished over Hornak et al. and Lindqvist et al. (alone or in any combination) because of their dependency from independent claims 1 and 6 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

All of the pending claims, i.e., claims 1-9, are in condition for allowance and such favorable action is earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

Respectfully submitted,



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